

**BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA**

In the Matter of the Appeal by:

CLAIMANT

vs.

ALTA CALIFORNIA REGIONAL CENTER, Service Agency

DDS Case No. CS0009004

OAH No. 2023080719

**PROPOSED DECISION DISMISSING APPEAL FOR LACK OF
JURISDICTION**

This matter is scheduled for fair hearing on September 13 and 15, 2023, before an Administrative Law Judge, acting as hearing officer, of the Office of Administrative Hearings (OAH). Robin Black, Legal Services Manager, represents service agency Alta California Regional Center (ACRC). Eric Nelson, PhD, represents claimant.

On July 21, 2023, ACRC issued three Notices of Action denying certain of claimant's requested expenditures in connection with his Self Determination Program. Claimant filed an appeal of all three notices on August 14, 2023. The matter was then submitted to OAH for a fair hearing.

On August 25, 2023, ACRC rescinded all three Notices of Action, stating the determination was “based on a finding that the Notices of Action were issued to Brian Nelson prematurely before ACRC’s planning team held its second meeting to discuss the disputed services and supports as required by Welfare and Institutions Code section 4646(h).”

Claimant filed a response with OAH, stating the matter should go forward before a hearing officer despite ACRC’s rescissions. Claimant acknowledged ACRC had not requested the matter be dismissed. Claimant argued, however, his appeal “was not brought on [ACRC]’s three denials; rather, it was brought on [ACRC]’s steadfast refusal to follow the law, and the terms and conditions of the federal contract that establishes and funds the Self-Determination Program (SDP)....” Claimant seeks an order directing ACRC to adopt his spending plan under SDP. He stated he has: “prayed the court issue two orders... Neither have anything to do with the now-rescinded “Notices of Action.”

OAH is unlike a court of law that has broad jurisdiction to hear civil disputes between two parties. Instead, OAH is a neutral agency that hears cases involving appeals of administrative action on referral by statute or by contract. Here, OAH had jurisdiction over this matter because ACRC issued a Notice of Action and claimant appealed. OAH does not have independent jurisdiction over all disputes between the parties.

Consequently, if a Notice of Action is rescinded, the appeal is made moot, and OAH is stripped of jurisdiction to hear any dispute. Without a Notice of Action, a regional center has not taken action or issued a decision from which a claimant can appeal. As a result, claimant’s appeal must be dismissed for lack of jurisdiction. Nothing in this order limits claimant’s right to appeal any future Notice of Action.

ORDER

OAH Case Number 2023080719 is dismissed due to lack of jurisdiction.

DATE: August 29, 2023

HEATHER M. ROWAN

Presiding Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2023080719

Vs.

DECISION BY THE DIRECTOR

Alta California
Regional Center,

Respondent.

ORDER OF DECISION

On August 29, 2023, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Department of Developmental Services (DDS) takes the following action on the attached Proposed Decision of the ALJ:

The Proposed Decision is adopted by DDS as its Decision in this matter. The Order of Decision, together with the Proposed Decision, constitute the Decision in this matter.

This is the final administrative Decision. Each party is bound by this Decision. Either party may request a reconsideration pursuant to Welfare and Institutions Code section 4713, subdivision (b), within 15 days of receiving the Decision or appeal the Decision to a court of competent jurisdiction within 180 days of receiving the final Decision.

Attached is a fact sheet with information about what to do and expect after you receive this decision, and where to get help.

IT IS SO ORDERED on this day _____.

Nancy Bargmann, Director